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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
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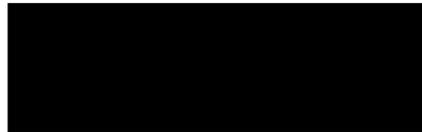
DATE: **JAN 10 2012**

Office: TEXAS SERVICE CENTER

FILE:



IN RE: Applicant:



APPLICATION: Application for Temporary Protected Status under Section 244 of the  
Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the Vermont Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the Vermont Service Center by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). Six motions were filed that have been subsequently dismissed by the AAO. The matter is again before the AAO on a motion to reopen and motion to reconsider. The motion will be dismissed.

The applicant claims to be a citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant failed to establish her eligibility for late registration. The AAO, in dismissing the appeal on September 13 2004, concurred with the director's findings. The initial motion to reopen was dismissed by the AAO on April 13, 2007.<sup>1</sup> The second and third motions were dismissed by the AAO on January 22, 2008, and July 22, 2008, respectively, as the issue on which the underlying decision was based had not been overcome on motion. The fourth and fifth motions to reopen and motions to reconsider were dismissed by the AAO on April 2, 2009, and March 5, 2010, respectively as the issue on which the underlying decision was based had not been overcome on motion. The applicant submitted a sixth motion to reopen and motion to reconsider on April 2, 2010. The AAO dismissed that motion on June 25, 2010.

A motion to reopen must state the new facts to be proved at the reopened proceeding, and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

A motion to reconsider must state the reason for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy ... [and] must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

On current motion, the applicant asserts that she has been in the United States since 1998, and that some individuals did not apply for TPS during the initial registration period because they did not have information regarding the application or about TPS. The applicant submits documents in an attempt to establish continuous residence and continuous physical presence in the United States.

The provisions for late registration were created in order to ensure that TPS benefits were made available to aliens who did not register during the initial registration period (January 5, 1999 through August 20, 1999) for the various circumstances specifically identified in 8 C.F.R.

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<sup>1</sup> It is noted that the applicant filed a second Form I-821, Application for Temporary Protected Status, on December 24, 2004, under receipt number [REDACTED] and indicated she was re-registering for TPS. The Director, California Service Center, denied the re-registration application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS. An appeal from that decision was also dismissed by the AAO on April 13, 2007.

§ 244.2(f)(2)(i) through (iv). The applicant has not submitted evidence that she has met any of those provisions outlined in the regulations. As such, the issue on which the denial of the application and the dismissal of the appeal were based has not been overcome on motion.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. That burden has not been met as the issue presented on motion fails to contain new facts to be proved and fails to cite precedent decisions supporting a motion to reconsider. Therefore, the motion will be dismissed and the previous decisions of the AAO will not be disturbed.

**ORDER:** The motion is dismissed. The previous decisions of the AAO are affirmed.